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DOUGLAS A. SELBY
CITY MANAGER

March 15, 2007

Alta Decatur, LLC
50 South Jones Boulevard #100
Las Vegas, Nevada 89107-2672

RE: Tom Peters Gaming Bar, 465 South Decatur Boulevard

To Whom It May Concern:

The Liquor Establishment (Tavern) use at 465 South Decatur Boulevard (Tom Peters Gaming Bar, previously The Heights Tavern) is a legal nonconforming use due to Title 19 distance separation requirements and the lack of a Special Use Permit for the Liquor Establishment (Tavern). This use was discontinued in June 2006. In conformance with Title 19.16 regarding the discontinued use of nonconforming uses, staff has determined that after six months of discontinued use any future use of the building shall be in conformance with the provisions of Title 19.

As such, 465 South Decatur Boulevard would require a Special Use Permit for a Liquor Establishment (Tavern); however, per Title 19.04 no Liquor Establishment (Tavern) may be located within 1,500 feet of any other Liquor Establishment (Tavern), church, synagogue, school, child care facility licensed for more than 12 children, or City park as a minimum requirement for eligibility. The subject site, 465 South Decatur Boulevard, is located approximately 1,100 feet from a school (Griffith Elementary, 324 Essex Drive), approximately 1,490 feet from a City park (West Charleston Lions Park, 725 Essex Circle) and less than 1,500 feet from the parcels containing the following businesses with tavern licenses: approximately 275 feet from Aces and Eights, 310 South Decatur Boulevard; approximately 1,120 feet from Red Lobster, 200 South Decatur Boulevard; approximately 575 feet from Decatur Liquor, 546 South Decatur Boulevard; and approximately 790 feet from Arizona Charlie's, 740 South Decatur Boulevard. Title 19.04 allows a waiver of the distance separation requirement if the protected uses are separated from the tavern use by a right-of-way of at least 100 feet. Griffith Elementary School and West Charleston Lions Park are not separated from the subject tavern by a 100-foot right-of-way. A waiver from the distance separation requirement is therefore not possible.

It is the interpretation of the Planning Department that the nonconforming Liquor Establishment (Tavern) use at 465 South Decatur Boulevard was discontinued on or before June 12, 2006, has not reopened within 180 days and cannot conform to current Title 19 requirements; therefore, the use cannot be reestablished, nor can it be entitled with a Special Use Permit for a Liquor Establishment (Tavern).

Should you wish to appeal the interpretation of the above section of Title 19 by the Planning Department, refer to Title 19.00.070 (F):

CITY OF LAS VEGAS
400 STEWART AVENUE
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Should you wish to appeal the interpretation of the above section of Title 19 by the Planning Department, refer to Title 19.00.070 (F):

Appeals of Interpretation. Any person aggrieved in connection with the inability to obtain a building permit or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of any provision of this Title may appeal the decision to the City Council. An appeal must be in written form and must be filed in the office of the City Clerk, with a copy to be filed in the office of the Department of Planning and Development. The appeal must be filed within ten days after the administrative decision is made and shall specifically describe the decision at issue and the basis for the appeal. The appeal shall be considered on the next available agenda of the City Council.

You are welcome to contact me at 229-4714, should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "S Swanton", with a stylized flourish at the end.

Steve Swanton, AICP
Planning Supervisor
Planning & Development Department

cc: Finance and Business Services Department